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REMARKS

Claims 1-29 are currently pending in the present application. Claims 1, 9, 14 -15, 19, 21, and 23 are amended to provide additional clarity. No new matter has been added. Reconsideration of the action mailed May 26, 2005, is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 21, 22, and 28 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1-4, 6, 8-20 and 24-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2003/0060279 to Torango (hereinafter "Torango"). Applicant traverses the rejections.

Interview Summary

Applicant wishes to thank the Examiner for the courtesy of an interview conducted July 21, 2005. In the interview, in which Applicant's representative Brian J. Gustafson and Examiner Brocketti participated, claim 1 was discussed with respect to Torango. Applicant's representative described the invention and the differences from Torango. The Examiner agreed that Torango does not disclose changing a percentage of the wager amount to be applied to a progressive jackpot in response to a received wager. In addition, the Examiner indicated that amending the term "calculate" in the claims to more clearly indicate that the percentage of wager amount to be applied to a progressive jackpot is being changed would assist in overcoming Torango.

Section 112 Rejections

The Examiner rejected claims 21-22, and 28 as being indefinite. Specifically, the Examiner stated that the preamble of independent claim 21 is unclear and suggested rearranging the language to clarify the meaning of the preamble. In order to expedite prosecution, Applicant amended claim 21 as suggested by the Examiner. Applicant respectfully submits that the § 112

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rejections to claim 21, as well as claims 22 and 28, which depend from claim 21, have been overcome.

Section 102 Rejections

Claim 1 stands rejected as anticipated by Torango. Claim 1, as amended, is directed to a system for managing a progressive jackpot that includes a progressive management device operable to, in response to receiving a wager amount, change a percentage of the wager amount to be applied to the progressive jackpot.

Torango does not disclose or suggest changing a percentage of the wager amount to be applied to the progressive jackpot in response to a receiving a wager amount, as required by claim 1. Torango discloses combining different gaming systems into a same progressive at paragraphs 100-102 and FIG. 7. FIG. 7 is a chart illustrating gaming parameters for different games and the relationships between the different gaming parameters necessary to be part of particular progressive jackpot. The gaming parameters include a transaction value that describes different possible denominations used for each particular gaming device. *See* Paragraph 100; FIG. 7. A contribution percent factor is also provided for each gaming device that describes an assigned amount of the transaction value contributed to a particular progressive prize. *See* Paragraph 100; FIG. 7. Torango does not disclose changing the assigned contribution percent factor. Instead, Torango discloses a calculated odds of winning the progressive factor defining the odds as a function of the transaction value, contribution percent factor and the total contribution amount to the prize. *See* Paragraph 100; FIG. 7.

Thus, the odds of winning the progressive jackpot are calculated as a factor of the fixed game parameters such that each game participant contributes the same amount for a chance of winning the progressive prize. *See* Paragraph 102. The ability to change odds of winning for each gaming device allows Torango to join gaming devices to the same progressive jackpot when the contribution percent factor is fixed for each gaming device. Torango emphasizes the importance of changing the odds to join gaming devices by stating that "the varying odds are the factors that make this possible." *See* Paragraph 102. Therefore, Torango discloses only a modification of game odds and does not disclose or suggest changing a percentage of a wager

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amount applied to the progressive jackpot in response to a received wager. Applicant respectfully submits that claim 1, as well as claims 2-7 and 24, which depend from claim 1, are in condition for allowance.

Claim 9 stands rejected as anticipated by Torango. Claim 9, as amended, is directed to a method for including systems having different progressive payout parameters into the same progressive jackpot that includes changing, in response to a received wager amount, a percentage of the wager amount to be applied by each gaming system to the progressive jackpot. For the reasons set forth above with respect to claim 1, claim 9 as well as claims 10-13 and 16, which depend from claim 9, are in condition for allowance.

Claim 14 stands rejected as anticipated by Torango. Claim 14 is directed to a system for managing a progressive game having a progressive management device. The system includes a first gaming system having a first set of payout parameters and a second gaming system having a second set of payout parameters. The progressive management device is operable to select, for each gaming system, a percentage of a wager amount to be applied to the progressive jackpot in response to a received wager.

Torango does not disclose or suggest a progressive management device for selecting a percentage of a wager amount to be applied to the progressive jackpot. Torango does not disclose or suggest selecting the percent contribution factor nor does Torango disclose or suggest a set from which such a selection can be made. Instead, Torango changes odds of winning the progressive in order to join gaming systems having fixed percent contribution factors. In contrast, claim 14 requires the selection of a percentage of wager amount for each gaming system in order to join the gaming systems in the progressive jackpot. For the foregoing additional reasons as well as the reasons set forth above with respect to claim 1, claim 14 as well as claims 17 and 18, which depend from claim 14, are in condition for allowance.

Claim 15 stands rejected as anticipated by Torango. Claim 15 is directed to a method for including gaming systems having different currency types to in a progressive jackpot that includes changing a percentage of a wager amount applied to the progressive jackpot for each

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gaming system. For the reasons set forth above with respect to claim 1, claim 15 is in condition for allowance.

Claim 19 stands rejected as anticipated by Torango. Claim 19 is directed to a method for determining a progressive outcome that includes changing, in response to the received data, a percentage of the wager amount to be applied to a progressive based on progressive payout parameters analysis. For the reasons set forth above with respect to claim 1, claim 19 as well as claim 20, which depends from claim 19, are in condition for allowance.

Claim 21 stands rejected as anticipated by Torango. Claim 21, as amended, is directed to a computer program product for including gaming systems having different progressive payout parameters into the same progressive jackpot that includes instructions to change a percentage of a wager amount to be applied by each gaming system to the progressive jackpot in response to a received wager amount. For the reasons set forth above with respect to claim 1, claim 21 as well as claim 22, which depends from claim 21, are in condition for allowance.

Claim 23 stands rejected as anticipated by Torango. Claim 23 is directed to a computer program product for determining a progressive outcome that includes instructions to change, in response to the received data, a percentage of the wager to be applied to a progressive jackpot based on progressive payout parameters analysis. For the reasons set forth above with respect to claim 1, claim 23 is in condition for allowance.

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The Applicant respectfully requests that all pending claims be allowed. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 26 July, 2005



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